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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,120	03/15/2004	Michael Tate Wood	C.R. DANIELS-PA-4	9187

7590
OBER / KALER
c/o Royal W. Craig
120 East Baltimore Street
Baltimore, MD 21202

08/31/2007

EXAMINER

TOMPKINS, ALISSA JILL

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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08/31/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/801,120

Applicant(s)

WOOD ET AL.

Examiner

Alissa J. Tompkins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 9-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Invention I (Claims 1-8) in the reply filed on 8/21/2007 is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segol (U.S. 4,485,494). Segol discloses a garment 10 comprising an outer shell formed with a body 11 and 12 and sleeves 15. A pair of hand warmer pockets 19 are located on the front of the garment at breastbone level (Figure 1). The pockets are angled upward. The applicant does not give any criticality as to why 15-20 degrees of inclination from horizontal is better than any other degree of inclination. The pockets of Segol are able to perform in the same way applicant has claimed although a certain degree of inclination is not specified. The actual pocket openings 25 are located below the uppermost part of the pocket, therefore enabling the hand of a wearer to be inserted

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in an upward position. Please see attached drawing. It is noted by the Examiner that the claim language which requires "said pair of hand warmer pockets comfortably warming both hands while the hunter remains in an arms-crossed-on-chest posture," is considered to be purely functional and has not been given any additional weight. The garment may be made of any conventional garment material such as wool, linen, cotton, cotton-synthetic composites and the like (Column 3, 65-68). The garment can be in the form of shirts, jackets, sweaters, suit coats, hospital wear, gowns, dresses, outerwear etc. (Column 4, 1-4). It is well known to make jackets out of micro fleece. The garment is considered to be wader length.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Segol in view of Snedeker (U.S. 5,842,229). Segol discloses the invention substantially as applied in claim 1 above. However, Segol is missing an inner removable liner. Snedeker shows a jacket-type garment comprising a liner 22 having an inner quilted layer 24 of thermal insulating material and an outer moisture barrier layer 26. It would have been obvious to use poly insulation. The insulated inner lining is removable by way of conventional snap fasteners (Column 2, 65). It is well known in the art that snap fasteners, zippers, hook and loop tape etc. are all considered equivalents in the art and therefore it would have been obvious to use a zipper as a means of removal. The garment also comprises taped seams 84 that are used to prevent moisture from seeping through. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Snedeker to modify Segol in order

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to provide a jacket that can keep the wearer warm while also keeping them dry in various environments.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Holmes (U.S. 3,638,241), Scarsella (U.S. 3,707,729), Wood (U.S. 2004/0221360), Morales (U.S. 6,986,164), Burns (U.S. 6,339,845), and Tadin (U.S. 2004/0250332) show garments with pockets.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa J. Tompkins whose telephone number is 571-272- 3425. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Alissa Tompkins
Patent Examiner
Art Unit 3765
August 29, 2007

AJT


GARY L. WELCH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

FIG. 1

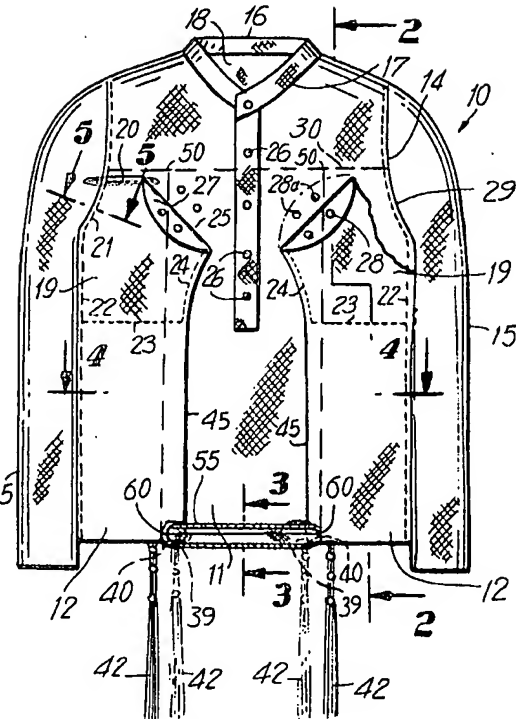


FIG. 5

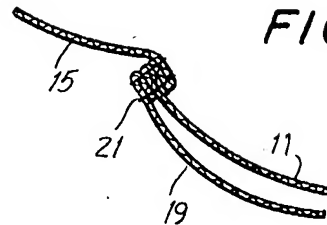


FIG. 2

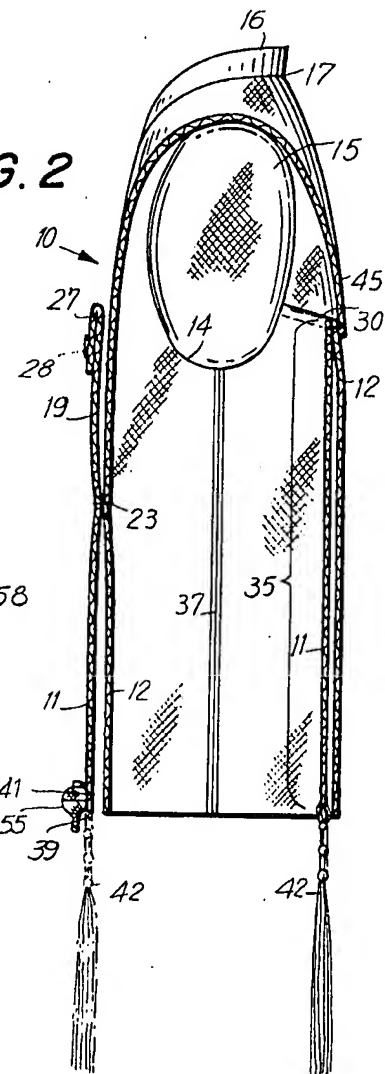


FIG. 3

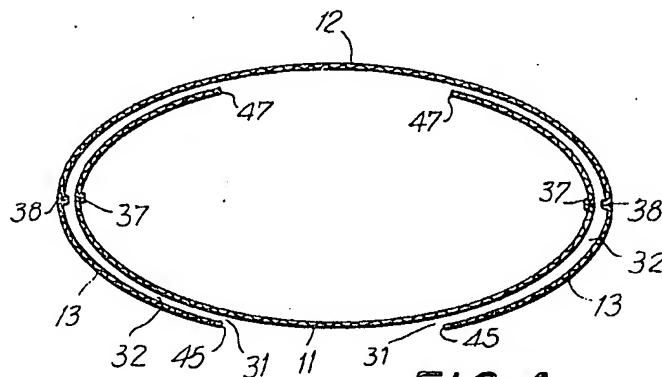
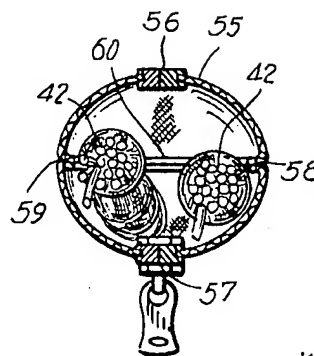


FIG. 4

• uppermost part of the pocket
• hand is capable of being inserted in an upward position